

STATE OF MAINE
SUPREME JUDICIAL COURT
PROPOSED AMENDMENT TO
MAINE BAR RULES

1. Rule 13(g)(3) of the Maine Bar Rules is amended to read as follows:

(g) Attorney Discipline Actions before the Court.

....

(3) *Discovery.* Bar Counsel shall furnish to the respondent attorney, within a reasonable time after the filing of the Information, copies of all exhibits presented to the Grievance Commission panel or the Board in the proceedings leading to the information. The stenographic or electronic record, as required by Rule 14(a)(6), and any other matter within Bar Counsel's possession or control that is discoverable under Rule 26 of the Maine Rules of Civil Procedure, shall be made available to the respondent attorney at the office of Bar Counsel at any reasonable time for inspection and, except for transcripts and portions of transcripts, copying at the respondent attorney's expense. Copies of transcripts and portions of transcripts shall be obtained from the preparers of the transcripts at the respondent attorney's expense.

Advisory Note – ____ 2022

The purpose of the amendments to Maine Bar Rules 13(g)(3) and 14(a)(7) is to make clear that transcript copies are to be obtained from the preparers of transcripts.

2. Rule 14(a)(7) of the Maine Bar Rules is amended to read as follows:

(a) Proceedings before a Grievance Commission Panel.

....

(7) *Hearing Transcript.* A hearing transcript or partial transcript may be ordered at any time by the Grievance Commission panel, respondent, Bar Counsel, or the Board. ~~When ordering a transcript, respondent or Bar Counsel must provide a copy of the requested transcript to the opposing party at that~~

~~party's own expense.~~ If any of them orders a transcript, the others may obtain copies from the preparer of the transcript at their own expense.

Advisory Note - ____ 2022

The purpose of the amendments to Maine Bar Rules 13(g)(3) and 14(a)(7) is to make clear that transcript copies are to be obtained from the preparers of transcripts.

3. Rule 18(g) of the Maine Bar Rules is amended to read as follows:

(g) Release to Law Enforcement and the Maine Assistance Program. The provisions of this section shall not be construed to prevent Bar Counsel or any other person from notifying and providing relevant information to (1) the appropriate law enforcement agency of complaints that accuse the respondent attorney of conduct in violation of a criminal law, or (2) the Director of the Maine Assistance Program for Lawyers and Judges, of the name of any lawyer whom Bar Counsel determines should be contacted concerning that program.

Advisory Note - ____ 2022

The purpose of the amendment is to clarify that Bar Counsel may provide a law enforcement agency with information relevant to a complaint alleging criminal conduct on the part of an attorney and may provide the Director of the Maine Assistance Program for Lawyers and Judges with information relevant to the referral of an attorney.